

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Council Chambers
7500 Odawa Circle Harbor Springs, MI 49740
January 22, 2015

Closed Session: Yes

Call to Order: 9:01 a.m.

Opening Ceremony: Bill A. Denemy

Council Present: Treasurer Marcella R. Reyes, Councilor Bill A. Denemy, Councilor John Keshick III, Councilor Beatrice A. Law, Councilor Aaron Otto, Councilor Michael Naganashe, Councilor Winnay Wemigwase

Absent: Secretary Julia A. Shananaquet

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Treasury Director Michael Garrow, Enjinaaknegeng General Counsel James Bransky, Office Manager Michele LaCount, Administrative Assistant Tamara Kiogima

Executive Officials and Staff Present: Interim Chairperson Gasco Bentley, Executive Services Attorney Diane Vitols, Chief Financial Officer Carrie Carlson, Tribal Administrator Albert Colby Jr., Human Resources Director Denise Petoskey, Gaming Regulatory Commission: Cathy Bradley, Beverly Wemigwase, David Dominic

Public: Andrew Stich

Invited Guests: Odawa Economic Development Management, Inc. (OEDMI) Alan Proctor, Brian Gillett and guest Steven Hayward. Merrill Lynch Barbara Bencini

Motion made by Councilor Otto and supported by Councilor Denemy to adopt the agenda of January 22, 2015 as corrected.

Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

Motion carried.

Motion made by Councilor Otto and supported by Councilor Keshick to approve the minutes of January 8, 2015 as corrected.

Vote: 7 -Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

Motion carried.

1 9:08 a.m.: Elder comments:

- 2 - Cathy Bradley commented on creating policy for the Regulatory
3 commission as submitted to the Executive.
4
- 5 - Beverly Wemigwase requested equitable compensation to be in line with
6 the Gaming Authority compensation for attending meetings, and would like
7 Tribal Council to consider this when reading over the policies because of
8 the different issues they have to deal with being on the commission.
9
- 10 - David Dominic commented on getting qualified tribal members to work for
11 the Odawa Casino, his goal is trying to bring good young tribal people into
12 the tribe to work for us. He is going to help teach tribal dance classes. He
13 wants our tribal people to be involved with the tribe without wanting to be
14 compensated for it. He understands wanting to be compensated because
15 being on commissions and boards do take a lot of time do be dedicated to,
16 but working with the elders and youth is something we should do because
17 of our traditions.
18

19 **Executive Updates**

- 20 - Tribal Administrator Albert Colby Jr., Provided update on Elder's
21 luncheons; the Youth Program will be moving to 915 Emmet Street
22 Petoskey, and Chippewa Ottawa Resource Authority issues.
23

24 Motion made by Councilor Law and supported by Councilor Naganashe to
25 acknowledge the verbal and written Executive report of Chairperson Gasco-
26 Bentley, and verbal report by Tribal Administrator Albert Colby jr., as presented
27 on January 22, 2015.

28 Vote: 7 -Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

29 Motion carried.
30

31 **Legislative Leader Report - Position is currently vacant.**
32

33 **Secretary Report:**

34 The following Tribal Council adopted/approved documents were delivered to the
35 Executive for signature:

- 36 • Tribal Resolution #010815-01: Funding in the amount totaling \$60,000.00
37 for Waganakising Odawak Statute 2014-013 Tribal Historic Preservation
38 Office Protection and Management of Archaeological, Historical and
39 Cultural Properties and Cultural Resources. Signed by Executive on
40 01/13/15
41
- 42 • Tribal Resolution #010815-02: Supplemental Funding for the Ad Hoc
43 Agricultural Work Group, in the Amount of \$57,114.29, to come from Prior
44 Period Funds. Signed by the Executive on 01/15/15.
45

- Tribal Resolution #010815-03: Transfer of Funds from the Legislative Branch to Ziibimijwang, Inc., a Tribally Chartered Corporation, in the Amount of \$67,722.08. Signed by the Executive on 01/15/15
- Tribal Resolution #010815-04: Appropriation of Supplemental Funding not to exceed \$40,000 for a Feasibility Study for a potential Odawa Casino Resort Hotel Project to come from prior period funds. Status: Pending.
- Tribal Resolution #010815-05: Approval of the Gaming Authority Committee FY 2015 Budget. Signed by the Executive on 01/15/15

Vetoos:

- Amendment to Waganakising Odawak Statute 2009-007 Land Use, Building Regulation, and Zoning Statute. Vetoed on 01/19/15 by Executive.

Phone Polls: None

Motion made by Councilor Keshick and supported by Councilor Naganashe to accept Secretary Shananaquet report as presented by Treasurer Reyes on January 22, 2015.

Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

Motion carried.

Treasurer Report:

Motion made by Councilor Wemigwase and supported by Councilor Naganashe to accept Treasurer Reyes' verbal report as presented on January 22, 2015.

Vote: 7 -Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

Motion carried.

9:49 a.m. Break.

10:04 a.m. Resume.

10:05 a.m. – 12:03 p.m. (Will Return at 1:30) Odawa Economic Development Management, Inc. (OEDMI)

11:47 a.m. - Public Comment opened:

- Andrew Stich- the Appropriations and Finance Committee should be consistent on when he can speak at Public Comment. The Land and Reservation Committee should have had Closed Session sign on the door. How much debt we incur from the Odawa Economic Development Management, Inc. Victories Center site plan? What will we do with the property in Mackinaw? What happened with the investigation with the tree cutting in Cross Village? What do Tribal Council members do in the Ethics Committee and why are they closed sessions? Asked Michael Naganashe twice if he was going to resign.

- David Dominic-Tribal Council should give Tribal Members a better explanation if they still don't understand what a committee does. Commends OEDMI and Treasury Director Michael Garrow's with the work they have been doing in developing the old Victory Casino property and making sure it is right for the tribe.
- Michele LaCount, Citizen: Shares concern with Andrew Stich and confidentiality of the Ethics Committees. Read a portion of the Ethics Committee Statute. She does not agree that any complaints made against an Elect Official should be confidential.

12:02 p.m. –Public Comment Closes.

12:03 p.m. Lunch Break

12:33 p.m. Resume

12:33 p.m. to 1:15 p.m. Merrill Lynch, Barbara Bencini presentation.

Motion made by Councilor Law and supported by Councilor Naganashe to acknowledge the verbal and written Semi-Annual report of Barbara Bencinni of Merrill Lynch and to extend thanks for her information and time.

Vote: 6-Yes, 0-No, 0-Abstained, 2–Absent (Secretary Shananaquet, Councilor Otto)

Motion carried.

Tribal Council Member Reports

Councilor Denemy Comment-Visited the Food Distribution Program. He would like to find a different facility for them, somewhere down the road.

Councilor Law comment-Constitutional Review Committee Dates they will meet twice a month. Attendance at the Superstar Award for employees at the Casino yesterday, 01/21/15. Shared City of Petoskey flyer: How to Prevent Being in a Crash. Mentioned the Violence Against Woman Act Conference she attended at the Odawa Casino Resort.

Councilor Keshick attended the 2015 Midwest Region Budget Meeting at Bloomington, Minnesota and gave a brief explanation of what was presented at the meeting.

Motion made by Councilor Wemigwase supported by Councilor Otto to accept the verbal Tribal Council Member reports of Councilor Denemy and Councilor Law, and Travel Report of Councilor Keshick as presented on 01/22/15.

Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

Motion carried.

1
2 **1:33 pm to 2:44 pm OEDMI, Inc.**

3 Motion made by Councilor Denemy and supported by Councilor Law to amend
4 the agenda to add approval of the Site Plan for the Victories Center presented by
5 OEDMI dated January 6, 2015.

6 Vote: 6-Yes, 1-No (Councilor Keshick), 0-Abstained, 1–Absent (Secretary
7 Shananaquet)

8 Motion carried.

9
10 Motion made by Councilor Denemy and supported by Councilor Law to approve
11 the site plan for the Victories Center as presented by OEDMI dated January 6,
12 2015, provided that any vertical construction on site must be approved by Tribal
13 Council before any commitment to the construction.

14 Vote: 5-Yes, 2-No (Councilor Keshick, Councilor Otto), 0-Abstained, 1–Absent
15 (Secretary Shananaquet)

16 Motion carried.

17
18 Councilor Keshick voted no to the above motions because he would like the
19 Casino hotel Feasibility Study done before any construction to be started at the
20 Victories Center.

21
22 Motion made by Councilor Law and supported by Councilor Wemigwase to
23 acknowledge the PowerPoint Presentation report of OEDMI, Inc. and to extend
24 thanks for their information and time

25 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

26 Motion carried.

27
28 Motion made by Councilor Law and supported by Councilor Wemigwase to re-
29 assign Alan Proctor to a 3 year term beginning January 23, 2015 ending January
30 23, 2018 for the Odawa Economic Development Management, Inc. and to reflect
31 the re-assignment within the OEDMI Corporate Charter documents.

32 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

33 Motion carried.

34
35 **2:45 p.m. Break**

36 **3:00 p.m. Resume**

37
38 **3:00 p.m. Public Comment Opens:**

- 39 • No Comments

40 **3:00 p.m. Public Comment Closes.**

41
42 **Tribal Council Committee Reports**

43
44 **Gaming Authority Committee** – Next meeting on Tuesday January 27, at 10:00
45 a.m. Councilor Otto will give them more information on the hotel project.

1 Motion made by Councilor Naganashe and supported by Councilor Otto to
2 accept the verbal report of the Gaming Authority Committee as presented by
3 Councilor Otto, Committee Chairman.

4 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

5 Motion carried.

6 7 **Agriculture Assessment Work Group**

8 Motion made by Councilor Denemy and supported by Councilor Naganashe to
9 accept the verbal report of the Agriculture Assessment Work Group as presented
10 by Councilor Keshick, Committee Chairman.

11 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

12 Motion carried.

13 14 **Land and Reservation Committee** – Met January 20, 2015 at 9:00 a.m.

15 Motion made by Councilor Law and supported by Councilor Naganashe to accept
16 the verbal report of the Land and Reservation Committee as presented by
17 Councilor Keshick, Committee Chairperson.

18 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

19 Motion carried.

20 21 **Legal Legislative Committee-No meeting to report.**

22
23 **Ethics Committee** – No meeting to report. Next Meeting 2/2/15.

24 25 **Legislative Office Reports**

26 27 **Treasury Director Report**

28 Motion made by Councilor Keshick and supported by Councilor Law to accept
29 Treasury Director Garrow's verbal and written report as presented on January
30 22, 2015.

31 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

32 Motion carried.

33 34 **Legislative Services Attorney Report**

35
36 3:32 pm Motion made by Councilor Wemigwase and supported by Councilor
37 Naganashe to go into closed session for Legal.

38 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

39 Motion carried.

40
41 3:53 pm Motion made by Councilor Otto and supported by Councilor Denemy to
42 return to open session.

43 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

44 Motion carried.

45
46 3:53 p.m. Break.

47 4:03 p.m. resume.

1
2 Motion made by Councilor Wemigwase and supported by Councilor Naganashe
3 to accept Legislative Services Attorney Budnick's verbal and written report as
4 presented on January 22, 2015.

5 Vote: 6-Yes, 0-No, 0-Abstained, 2–Absent (Secretary Shananaquet, Councilor
6 Otto)

7 Motion carried.

8
9 **Enjinaaknegeng-No Report.**

10
11 **Legislative Office Manager**

12 Motion made by Councilor Law and supported by Councilor Wemigwase to
13 accept Legislative Office Manager LaCount's and Legislative Office Assistant
14 Kiogima's verbal and written report as presented on January 22, 2015.

15 Vote: 7 -Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

16 Motion carried.

17
18 **Action Items**

19 Motion made by Councilor Naganashe and supported by Councilor Wemigwase
20 to approve Tribal Council attendance at the Anishinaabemowin Teg Language
21 Conference to be held at Kewadin Convention Center in Sault Ste. Marie,
22 Michigan, March 26 – 29, 2015.

23 Vote: 7 -Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

24 Motion carried.

25
26 Motion made by Councilor Law and supported by Councilor Wemigwase to
27 approve Tribal Council attendance at the National RES Economic Summit in Las
28 Vegas NV March 9-12, 2015.

29 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

30 Motion carried.

31
32 Motion made by Councilor Wemigwase and supported by Councilor Otto to
33 approve Tribal Council attendance at the Indian Gaming Tradeshow &
34 Convention in San Diego CA March 30-April 2, 2015.

35 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

36 Motion carried.

37
38 Motion made by Councilor Keshick and supported by Councilor Wemigwase to
39 approve the final payment on the Independent Contracting Agreement with
40 Douglas Schlappi in the amount of \$6,313.34 as recommended by the
41 Agricultural Assessment Work Group minus a deduction as replacement of
42 receipts for the purchase of supplies, in the amount of \$1,957.22 paid to Mr.
43 Schlappi in advance for a total amount of 4,356.12.

44 Vote: 7 -Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

45 Motion carried.

1 Motion made by Councilor Denemy and supported by Councilor Law to approve
2 Certified Motion #012215-01; Request for Funding from the U.S. Department of
3 Health and Human Services, Indian Health Services, FY 2015 Special Diabetes
4 Program for Indians.

5 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)
6 Motion carried.

8 Motion made by Councilor Law and supported by Councilor Wemigwase to
9 approve Certified Motion #012215-02; Request for Funding from the United
10 States Department of Health and Human Services Administration for Children
11 and Families, Administration for Native Americans, Native American Language
12 Preservation and Maintenance, FY 2015 LTBB Anishinaabemowin Project.

13 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)
14 Motion carried

16 Motion made by Councilor Law and supported by Councilor Otto to approve
17 Certified Motion #012215-03; Request for Funding from the United States
18 Department of Justice, FY 2015 Coordinated Tribal Assistance Solicitation
19 (CTAS).

20 Vote: 7 -Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)
21 Motion carried.

23 Motion made by Councilor Wemigwase and supported by Councilor Denemy to
24 post Amendment to Waganakising Odawak Statute # 2008-006 Enrollment for
25 Citizenship Statute.

26 Vote: 7 -Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)
27 Motion carried.

29 Motion made by Councilor Keshick and supported by Councilor Wemigwase to
30 accept and authorize the Indian Health Service Contract Support Cost
31 settlement, in the amount of \$411,691.38, received July 17, 2014, be deposited
32 into the General Fund Account.

33 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)
34 Motion carried.

36 Motion made by Councilor Keshick and supported by Councilor Wemigwase to
37 post the Amendment to the Election Board Statute sponsored by Councilor
38 Wemigwase.

39 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)
40 Motion carried.

42 Motion made by Councilor Law and supported by Councilor Naganashe to
43 approve the letter to the Appellate Court regarding Administrative Rule, ATBB
44 AR-001: Backlog Reports and authorize Treasurer Reyes to sign and submit the
45 letter to the Appellate Court.

46 Vote: 7 -Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)
47 Motion carried.

1
2 Motion made by Councilor Keshick and supported by Councilor Law to
3 acknowledge receipt of REG-WOS 2014-017 012015-002 Leases of Little
4 Traverse Bay Bands (LTBB) Trust Lands Regulations on January 20, 2015 from
5 the Executive Department.

6 Vote: 7 -Yes, 0-No, 0-Abstained, 1--Absent (Secretary Shananaquet)

7 Motion carried.

8
9 Motion made by Councilor Wemigwase and Councilor Naganashe to approve
10 travel for a Tribal Councilor to attend meetings with Federal Agency staff, in both
11 Washington, D.C. in February 2015 and Minneapolis, MN in the Spring of 2015.

12 Vote: 7 -Yes, 0-No, 0-Abstained, 1--Absent (Secretary Shananaquet)

13 Motion carried.

14
15 Motion made by Councilor Keshick and supported by Councilor Wemigwase to
16 adopt Tribal Resolution: Supplemental Funding in the Amount of \$4,500.00 for
17 the FY2014 Election Board Budget, to come from prior period funds.

18 Roll call: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes,
19 Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-yes,
20 Treasurer Reyes-yes, Secretary Shananaquet-absent

21 Motion carried.

22
23 Motion made by Councilor Keshick and supported by Councilor Wemigwase to
24 adopt Tribal Resolution: Supplemental Funding in the Amount of \$95,850.00 for
25 FY2015 Department of Kikaajik, to come from prior period funds.

26 Roll call: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes,
27 Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-yes,
28 Treasurer Reyes-yes, Secretary Shananaquet-absent

29 Motion carried.

30
31 Motion made by Councilor Law and supported by Councilor Keshick to adopt
32 Tribal Resolution: Amendment to the Legislative Branch Operations
33 Governmental Employee Personnel Policies Handbook, Cost Of Living
34 Adjustment at the fixed amount of 1.5% yearly.

35 Roll call: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes,
36 Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-yes,
37 Treasurer Reyes-yes, Secretary Shananaquet-absent

38 Motion carried.

39
40 Motion made by Councilor and supported by Councilor to appoint Timothy
41 MacArthur as Tribal Prosecutor for a 3-year term. Roll call: Councilor Denemy-
42 yes, Councilor Keshick-no, Councilor Law-no, Councilor Naganashe-no,
43 Councilor Otto-no, Councilor Wemigwase-no, Treasurer Reyes-no, Secretary
44 Shananaquet-absent

45 Motion failed.

1
2 **Other Items of Business (Prior to Adjournment):**
3

4 Motion made by Councilor and supported by Councilor to go into closed session
5 for personnel issues.

6 Vote: 7 -Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

7 Motion carried.
8

9 3:53 p.m. Motion made by Councilor and supported by Councilor to return to
10 open session.

11 Vote: 7 -Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

12 Motion carried.
13

14 **Adjournment**

15 Motion made by Councilor and supported by Councilor to adjourn meeting.

16 Vote: 7 -Yes, 0-No, 0-Abstained, 1–Absent (Secretary Shananaquet)

17 Motion carried.
18
19

20 Next Scheduled Meeting
21 February 5, 2015
22

23 Please contact the Legislative Office at 231-242-1403 or 231-242-1404 for
24 additional updates and clarifications of these minutes as presented.
25

26 These Minutes have been read and approved as written (or) corrected: (delete
27 either the word “written” or “corrected” as pertains to how the minutes were
28 approved.)
29
30

31
32 _____
33 Julia A. Shananaquet, Tribal Council Secretary

34 _____
35 Date
36